IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1712 OF 2007

Ehsan Ul Haque A.Nadvi ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

...

Mr.Akhilesh Upadhyay Advocate for Applicant
Mr.S.S.Pednekar A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 06, 2007

P.C.

1. Heard the learned advocate for the applicant

and the learned A.P.P. for the State.

2. The applicant is seeking anticipatory bail in C.R.No.157 of 2007 of D.N.Nagar Police Station.

The said case is mainly under Section of 326 IPC.

3. The learned advocate for the applicant has submitted that the applicant has been involved in the present case on account of the complaint which was lodged by him. His complaint is prior in point of time. The said complaint is mainly under Section 324 of IPC. He submitted that being enraged by this fact, the complainant Abdul Jabbar

has lodged his FIR and implicated the present applicant and others.

4. It is seen that the complaint of the present applicant is first in point of time. As far as the case in which the applicant is an accused is concerned, it is the case of the complainant therein that the complainant along with others were assaulted by the applicant and co-accused.

5. It is the prosecution case that in the present case three persons came to be injured i.e. Shahanawas, Abdul Jabbar Shaikh and Safiyan Abdul Latif. I have perused the injury certificates. As far as Shahanawas is concerned, medical certificate shows that he sustained one abrasion and one superficial incised wound. As far as Abdul Jabbar is concerned, he has also sustained an incised wound which is again superficial in nature and as far as Safiyan is concerned, his injury certificate shows that he had swelling and tenderness. No internal fracture is seen on account of the said injury. Looking to the medical Certificate, in my prima facie view, no case under section 326 of IPC is made out and at the most case under Section 324 of would be made out, hence, I am inclined to grant

anticipatory bail.

6. In the event of arrest, the applicant to be released on bail in the sum of Rs.25,000/- (Rs.twenty five thousand only) with one or two sureties to make up the said amount, in C.R.No.157 of 2007 of D.N.Nagar Police Station. The applicant shall report to the concerned Police Station from 10 a.m. to 2 p.m. for 20 days and thereafter once in a week till the conclusion of trial.

7. Application is disposed of.

[Smt. V.K.Tahilramani, J.]